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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/583,594	06/19/2006	Michael Weber	PD030132	9847
24498	7590	03/16/2010	EXAMINER	
Robert D. Shedd, Patent Operations THOMSON Licensing LLC P.O. Box 5312 Princeton, NJ 08543-5312			CHOU, ALBERT T	
			ART UNIT	PAPER NUMBER
			2471	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/583,594	<b>Applicant(s)</b> WEBER, MICHAEL	
	<b>Examiner</b> ALBERT T. CHOU	<b>Art Unit</b> 2471	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2010 for RCE.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

1. Applicant's Request for Continued Examination (RCE) filed on February 17, 2010 has been entered. Claim 1 has been amended. No claim is added or canceled. Claims 1-10 are pending in this application, with claims 1 and 6 being independent.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 3, recites "a data source appliance".

Claim 1, line 7, recites "identifying a data source appliance".

It is not clear whether the data source appliance in line 3 and the data source appliance in line 7 refer to the same data source appliance or two different "data source appliances".

Claims 2-10 depend from claim 1, and, therefore, are rejected based on the same reason of rejection as to claim 1.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5-7 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 5,291,343 to Goto.

Regarding claim 1, Goto teaches a method for automatically setting up data connections between network subscriber stations in a network of distributed stations **[Figs. 1, 10 & Abstract]**, where the network contains at least one recording appliance **[Fig. 1; VCR 5]**, a data source appliance **[Figs. 1 & 10: radio signals received from an antenna 8 or stations 1002-1005]** and a data sink appliance **[Figs. 1 & 10; VCR 5 or stations 1002-1005]**, comprising the following steps:

user-activated selection of a user interface for the recording appliance on a user interface appliance **[Figs. 1, 5 & 9, step 20: the user operates a “record” button of the VCR 5 using a remote controller 53 while the user is watching the TV 2; col. 10, lines 20-43]**;

identifying the data source appliance by checking for existing data connections which have been set up for the data sink appliance or the user interface appliance in the network **[Figs. 1, 5 & 9, step 23: identify the radio signals received from an**

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**antenna 8/Tuner 27 (data source) by checking whether the power of TV unit 4 (data sink) is on /showing TV program; col. 10, line 55 – col. 11, line 4];**

automatically setting-up a connection between the data source appliance, for which a connection to the data sink appliance or to the user interface appliance has been set up, and the recording appliance in order to assist in the implementation of an instant- recording function on the recording appliance **[Figs. 1, 5 & 9, steps 24-26: automatically setting up a connection between the radio signals received from an antenna 8/ Tuner 27 (data source) and the VCR 5 and starting recording the program on the channel set by the Tuner 27; col. 11, lines 5-50].**

Regarding claims 2 and 7, Goto teaches the data connection between the data source appliance and the recording appliance is set up only after the recording function on the recording appliance has been activated by the user **[Figs. 1, 5 & 9, steps 20, 24-26; col. 10, lines 20-43, col. 11, lines 5-50].**

Regarding claims 5 and 10, Goto teaches the recording appliance is a digital video recorder or a digital audio recorder **[Figs 1 & 5: VCR 5].**

Regarding claim 6, Goto teaches a network subscriber station as a user interface appliance having program means for providing user interfaces for controlling network subscriber stations **[Figs. 1-7 & 10]**, wherein the user interface appliance has further program means which, upon activation of the user interface for the control of a

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recording appliance in the network by the user **[Figs. 1, 5 & 9, step 20: the user operates a “record” button of the VCR 5 using a remote controller 53 while the user is watching the TV 2; col. 10, lines 20-43]**, call up checking program means which trigger a check regarding the existing data connections which have been set up for a data sink appliance or the user interface appliance itself **[Figs. 1, 5 & 9, step 23: identify the radio signals received from an antenna 8/Tuner 27 (data source) by checking whether the power of TV unit 4 (data sink) is on /showing TV program; col. 10, line 55 – col. 11, line 4]** and automatically set up a data connection between the data source appliance for which a data connection to the data sink appliance or to the user interface appliance has been set up and the recording appliance in order to assist in the implementation of an instant-recording function on the recording appliance in the network **Figs. 1, 5 & 9, steps 24-26: automatically setting up a connection between the radio signals received from an antenna 8/ Tuner 27 (data source) and the VCR 5 and starting recording the program on the channel set by the Tuner 27; col. 11, lines 5-50]**.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3-4 and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 5,291,343 to Goto in view of US PGPub. No. 2002/0078293 A1 by Kou et al. (hereinafter "Kou")

Regarding claims 3-4 and 8-9, Goto teaches an audio/video system comprising a television receiver, a VCR and other communication control device **[Figs. 1-7 & 10]**.

Goto does not expressly disclose the detail component or construction of each audio/video device in the system, such as an amplifier device or a graphical user interface.

Kou, in the same field of endeavor, teaches a method and system for selecting and controlling devices in a home network, wherein the user interface appliance is a display appliance for video images, and the user interface is based on a graphical user interface **[Fig. 4A; para. 0043, 0053]**; and the data sink appliance is an amplifier device for audio signals **[Fig. 2; e.g. the data sink appliance is a Receiver 220 (which comprising a tuner and an amplifier); para. 0039]**.

It would be obvious to one skilled in the art at the time the invention was made to recognize that having a graphical user interface or the data sink appliance is an amplifier is no more than a system implementation or configuration choice, which can be easily incorporated into Goto's audio/video system or remote controller without any compatibility issues. Therefore, the limitations set forth in claim 3-4 and 8-9 do not depart from the scope and spirit of the combining teachings of Goto and Kou.

***Response to Remarks***

5. Applicant's remarks filed on February 17, 2010 regarding the rejection of claims 1, 6 and their dependent claims in the application have been fully considered but they are not moot in view of new grounds of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Albert T. Chou whose telephone number is 571-272-6045. The examiner can normally be reached on 8:30 - 17:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham, can be reached on 571-272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Albert T Chou/

Primary Examiner, Art Unit 2471

March 13, 2010